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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,917	10/21/2003	Francis V. Smith	71060-0022	3200

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EXAMINER

GREENHUT, CHARLES N

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,917

Applicant(s)

SMITH, FRANCIS V.

Examiner

Charles N. Greenhut

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7-17, 19-30 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/30/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 5 and 6 is/are rejected under 35 U.S.C. 102(b) as being unpatentable over LA RUE (US 2,846,263).

1.1. With respect to claims 5 and 6, LA RUE teaches a means for distributing the lifting load along a center portion of the front end assembly, distributing at least a portion of the lifting load to a center portion of an end of the trailer bed, and a center portion spaced from the sides of the trailer. LA RUE further teaches a means to distribute the lifting load laterally of the center portion, and to the outer portion of the trailer bed.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over LA RUE (US 2,846,263) in view of JAHN (US 3,498,636).

1.2. With respect to claim 18, LA RUE in view of JAHN teaches all elements of claim 6.

LA RUE additionally teaches a rear removable axle assembly (2), the axle assembly a dual assembly for over the road use.

#### **Allowable Subject Matter**

1. Claims 1-4, 7-17, 19-30 are allowed.

1.1. With respect to claims 1-2, 13-14, and 23-30, the following is a statement of reasons for the indication of allowable subject matter: While LA RUE and JAHN teach the use of a box beam in a trailer, a trailer having a front loading end and a rear wheeled end that includes the unique feature of a tapered box beam extending from the pickup shaft arrangement, linking to a center portion of an end of the trailer bed, the center portion spaced from sides of the trailer bed, the tapered box beam including at least two tapered box beam rails, an end of each tapered box beam rail aligned with a respective trailer bed support rail, in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

1.2. With respect to claims 7-9 and 15-17, the following is a statement of reasons for the indication of allowable subject matter: While LA RUE and JAHN teach the use of a box beam in a trailer, a trailer having a front loading end and a rear wheeled end that includes the unique feature of a central box beam having tapered box beam rails as walls of the box beam that further extend the length of the trailer in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

1.3. With respect to claims 10-12 and 19-22, the following is a statement of reasons for the indication of allowable subject matter: While LA RUE and JAHN teach the use of

a box beam in a trailer, a method of constructing a front end loading trailer that includes the unique feature of at least two tapered support rails aligned with center support rails that extend a length of the trailer in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

### **Response to Applicants Arguments**

Applicants arguments filed 1/17/06 have been fully considered.

1. Applicant argues, with respect to claim 1, it is unreasonable to interpret LA RUE to teach a tapered box beam extending from the pickup shaft arrangement, linking to a center portion of an end of the trailer bed, the center portion spaced from sides of the trailer bed, the tapered box beam including at least two tapered box beam rails, an end of each tapered box beam rail aligned with a respective trailer bed support rail. This argument is persuasive and the rejection of claim 1 is therefore withdrawn.
2. In light of the fact that examiner has withdrawn the rejection of claim 1 and all claims which depend therefrom, applicants remaining arguments, concerning the propriety of the rejection of these claims, are dismissed as moot.
3. Applicant argues, with respect to claim 5, LA RUE does not teach a trailer having a front loading assembly with opposing ramp sections. These elements are recited in the preamble of a Jepson-type claim, and refer to elements which applicant makes no claim of inventing, and therefore are admitted prior art. As noted above, and applicant does not contest, LA RUE teaches a means for distributing a load as claimed.
4. Applicant argues, with respect to claim 5, it is improper to combine the teachings of LA RUE and JAHN to formulate a rejection. Since examiner has not combined these reference

to formulate a rejection of claim 5, this issue is not ripe for discussion and, accordingly, is not addressed.

5. Applicant argues, with respect to claim (18) that insertion of the term “rear” defines over LA RUE. This is not the case since rear assembly (2) of LA RUE is also removable.

#### **Conclusion**

1. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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